

Panaji, 31st August, 1989 (Bhadra 9, 1911)

SERIES II No. 22

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 3/17/74-PER(Vol. IV)-Part

The Government is pleased to promote on ad-hoc basis the following Grade II Officers of Civil Service to Grade I (Selection Grade) post of the service with immediate effect:

Sr. No.	Name of the Officer and present posting	Posted on promotion as
1.	Shri Pratap Singh Meena, Additional Deputy Collector, Collectorate, North Goa District, Panaji.	Officer on Special Duty, Goa Sadan, New Delhi (on deputation) vice Shri W. V. Ramana Murthy transferred.
2.	Shri B. V. Dessai, Under Secretary (A.R.D.)	Director (Administration), Goa Medical College, Panaji.

The appointment shall be for a period of one year in the first instant.

2. The above ad-hoc promotions will not bestow on the promoted officers any claim for regular appointments and the service rendered on ad-hoc basis in the Grade will not count for the purpose of seniority in that Grade or for eligibility for promotion to the next higher grade.

3. The deployment of the officer at Sr. No. 1 is on deputation basis and it shall be regulated as per standard terms of deputation as contained in Appendix 31 (Vol. VII Part II) of the Chaudri's Compilation of Civil Service Regulations.

4. The Government is pleased to transfer Shri W. V. Ramana Murthy, presently deployed as Officer on Special Duty, Goa Sadan, New Delhi and post him as Joint Director of Industries and Mines, Panaji.

5. Consequent upon filling up the post of Director (Administration), Goa Medical College, Smt. Maria Barreto Grade II Officer of Civil Service presently functioning as Administrative Officer in Goa Medical College, is transferred and posted as Under Secretary (A.R.D.), Secretariat, vice Shri B. V. Dessai promoted.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 21st July, 1989.

Order

No. 6/3/81-PER (Vol. V)

The Government is pleased to transfer with immediate effect the following grade II Officers of the Civil Service and post them as shown below:—

Sr. No.	Name of the Officer	Present posting	Posted on transfer
1	2	3	4
1.	Shri P. W. Rane Sardessai.	Under Secretary (Planning), Secretariat.	Assistant Director, Labour Commissioner Office, Panaji vice Shri D. S. Shirodkar transferred.
2.	Shri D. S. Shirodkar.	Assistant Director, Labour Commissioner Office, Panaji.	Under Secretary (Planning) vice Shri P. W. Rane Sardessai transferred.
3.	Shri D. N. Accawade.	Under Secretary (Education) Secretariat.	Under Secretary (Agriculture) vice Shri A. P. Panvelkar transferred.
4.	Shri A. P. Panvelkar.	Under Secretary (Agriculture) Secretariat.	Under Secretary (Education) vice Shri D. N. Accawade transferred.
5.	Shri George Kurivilla.	Assistant Commissioner of Excise.	Dy. Registrar Engineering College, Farmagudi vice Shri S. K. Virnodkar transferred.
6.	Shri S. K. Virnodkar.	Dy. Registrar Engineering College, Farmagudi.	Additional Deputy Collector, Collectorate North Goa, Panaji vice Shri P. S. Meena promoted.

The officers at Sr. Nos. 1 and 3 shall move first, Shri S. K. Virnodkar shall not be entitled for Transfer T. A.

Shri George Kurivilla shall hand over the charge of the post of Assistant Commissioner of Excise to Shri S. V. Badhri, Assistant Commissioner of Sales Tax and proceed to take charge of the post of Deputy Registrar, Engineering College. Shri S. V. Badhri, Assistant Commissioner of Sales Tax shall hold the charge of the post of Assistant Commissioner of Excise in addition to his own duties until further orders.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 21st July, 1989.

Education Department

Order

No. 23/3/89/EDN

Read: Govt. Order No. 16/54-89-Adm.I/344 dated 8-5-1989.

Shri D. K. Kulkarni is hereby temporarily appointed on ad hoc basis as lecturer in History in Government College of Arts & Commerce, Quepem, under the Directorate of Education, Panaji with effect from 20-6-1989 in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p. m.

The appointment is subject to the condition specified in the office Memorandum No. 21/Misc/2616/89/EDN dated 16-6-1989 and the Rules and Regulation laid down by the Government from time to time.

The appointment is initially for a period of one year, is purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from the holding of a post under Government.

The above appointment is also liable for termination in case he is declared medically unfit on re-examination within 3 months.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 9th August, 1989.

Order

No. 23/2/89/EDN

Read: — Govt. Order No. 16-54-89/Adm.I/349 dated 8-5-1989.

Smt. Nirmala Misquita is hereby temporarily appointed on ad hoc basis as Lecturer in Economics in Government College of Arts & Commerce, Quepem, under the Directorate of Education, Panaji with effect from 20-6-1989 (B.N.) in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p. m.

The appointment is initially for a period of one year and subject to the condition specified in the office Memorandum No. 21/Misc/2616/89/EDN dated 16-6-1989 and the Rules and Regulation laid down by the Government from time to time.

The appointment is purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to the higher post and seniority and will be liable to be terminated by one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from the holding of a post under Government.

The appointment is subject to approval by Goa University and the appointment is liable to be terminated forthwith in case Goa University does not approve her appointment.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 10th August, 1989.

Department of Community Development and Panchayats
Office of the Collector of North Goa District, Panaji
(Election Branch)

Notification

No. 2-1-89/VPT/ELN(VOL.IV)

In exercise of the power vested in him under clause (a) of sub-rule 5 of rule 9 of Goa Village Panchayat (Election Procedure) Rules as amended by Amendment Rules 1986, the Collector of North Goa District, Panaji is pleased to appoint the "Aval Karkun" of the Mamlatdar Office, Satari Taluka as "Asstt. Returning Officer" for the ensuing General Elections to the Village Panchayat "Bhironda" and "Nagar-gao" in Satari Taluka.

R. I. Jaiprakash, Collector of North Goa District, Panaji.

Panaji, 21st August, 1989.

Public Works and Urban Development Department

Order

No. 7/9-1/85-PW&UD

Read: — Order No. 7/9-1/85-PW&UD(i) dated 14-3-1989.

Whereas by Order No. 7/9-1/85-PW&UD(i) dated 14-3-1989 28 Asstt. Engineers/Asstt. Surveyor of Works (Civil) have been promoted on regular basis to the post of Executive Engineer/Surveyor of Works w.e.f. 23-2-1988 in the composite P.W.D. as on 2-4-1984 as per the recommendations of the U.P.S.C. vide their letter No. F.1/13(7)/89-AU-II dated 23-2-1988.

And whereas the U.P.S.C. have further recommended that Shri Tekke Kunnath Mohandas may be included in the panel above Shri O. R. Bagali subject to his securing clearance in the Vigilance case pending against him.

And whereas the said Vigilance case against the said Shri Tekke Kunnath Mohandas has now been cleared vide Directorate of Vigilance order No. 12-7-84-VIG dated 29-6-89 whereby Shri Mohandas has been exonerated of the allegations levelled against him.

And whereas two Officers, namely S/Shri P. K. Mohan and H. R. Anand indicated at Sr. Nos. 17 and 20, respectively of the aforesaid order have subsequently gone on voluntary retirement.

Now therefore, the regularisation of the said Executive Engineers shall be as indicated below:

1. Shri K. R. Puranik.
2. Shri P. S. Khandeparkar.
3. Shri S. V. Borcar.
4. Shri P. K. Rao.
5. Shri Tekke Kunnath Mohandas.
6. Shri O. R. Bagali.
7. Shri B. N. Nawalawala.
8. Shri M. Narasaraaju.
9. Shri Ramesh L. Mandrekar.
10. Shri V. V. Santhanam.
11. Shri G. Padmanabhiah.
12. Shri A. Abdul Salam.
13. Shri S. D. Sayanak.
14. Shri N. B. Das.
15. Shri P. P. Madkaikar.
16. Shri R. D. Kossambe.
17. Shri H. R. Kulkarni.
18. Shri J. S. R. Parabraham.
19. Shri J. S. Khanuja.
20. Shri N. K. Dayalu.

21. Shri N. R. Rao.
22. Shri K. S. I. Seshadri.
23. Shri I. V. K. Kunhiraman.
24. Shri K. P. Nambiar.
25. Shri E. S. Namboodiri.
26. Shri Topil Krishna Mohandas.
27. Shri M. S. Chauhan.

The promotions are subject to the outcome of the final decision in the cases before the Court.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Govt. of Goa (P.W.D.).

Panaji, 8th August, 1989.

Revenue Department

Corrigendum

No. 22/107/88-RD

Read: Notification No. 22/107/88-RD dated 28-11-1988 published in Official Gazette Series II No. 44 at pages 484 and 485 dated 7-2-1989 and in two newspapers (1) Gomantak dated 4-12-1988 and (2) Navhind Times dated 10-12-1988.

Survey No. 223/9 appearing in the schedule of the above Notification may be read as 223/3.

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 19th July, 1989.

Public Health Department

Order

No. 7/2/88-I/PHD

On the recommendation of the Local Selection Committee Dr. Ajit Molu Mhapne is hereby appointed on adhoc basis to the post of Medical Officer/R.M.O./A.M.O. in the pay scale of Rs. 2200-75-2800-EB-100-4000 under the Directorate of Health Services and posted him at Rural Medical Dispensary, Collem Sanguem with immediate effect against the vacant post of Rural Medical Officer at Collem. This appointment shall be governed by terms and conditions contained in Govt. Memorandum No. 7/2/88-I/PHD dated 1-8-1989.

The appointment will not bestow on him a claim for regular appointment and the services rendered on adhoc basis in the grade will not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade. The appointment order is subject to the medical fitness and to the verification of his character and antecedents.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 7th August, 1989.

Order

No. 13/58/89-I/PHD

Malaria Eradication Programme and Filaria Control Programme which are now headed separately each by Chief Medical Officer in the pay scale of Rs. 3000/4500 shall henceforth for proper co-ordination and effective control of both these programmes be under the control of a Dy. Director (Malaria/Filariasis). For this purpose the post of Chief Medical Officer (Malaria) shall stand designated as Dy. Director (Malaria/Filariasis) in the grade of Chief Medical Officer and

shall be held by the seniormost Chief Medical Officer (Malaria) or Chief Medical Officer (Filariasis), as the case may be.

This issues with the concurrence of Finance Department vide its U.O. No. FS/3211/89 dated 3-8-1989.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 14th August, 1989.

Department of Labour

Order

No. 28/72/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary Industries and Labour.

Panaji, 12th October, 1988.

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA

AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No. IT/7/85

Workmen

V/s

M/s Xaverian Press Training School

— Party I

— Party II

Party I represented by Adv. Shashikant Joshi and Shri N. J. Rebello.

Party II represented by Adv. G. K. Sardesai.

Panaji, Dated: 22-9-1988

AWARD

This is a reference made by the Government of Goa, by its order No. 28/72/84-ILD dated January 28, 1985 with an annexure scheduled thereto which reads as follows:

"Whether the action of the employer, M/s Xaverian Press Training School Pilar, Ilhas-Goa in terminating the services of their workmen, S/Shri Ramulo Nunes, Supervisor and Dioginho Pereira, Compositor, with effect from 1-8-83 is legal and justified?

If not, to what relief the workmen are entitled to".

2. The above reference pertains to 2 employees of Party No. II and they were a Supervisor and Compositor. For the sake of brevity and proper understanding of the claim which is composite in this Government reference I propose to refer to them as Supervisor Nunes and Compositor Pereira. The Supervisor Nunes has served with the Press for 26 years and Pereira had served for 20 years before their termination of services. The services of Nunes were terminated by the employer on 10-7-83 while that of Pereira the services were terminated on 30-7-83. The termination letter of Nunes is at Exb. E-2 and that of Pereira is at Exb. W-8. Hence for practical purposes it can be taken as a proven fact that the workmen who were in service for 26 years and 20 years respectively were retrenched by the management in July, 1983 and the matter of the termination of the services was taken up by the Union which was formed by the employees of the Press about a couple of years back. The matter went into conciliation and the conciliation proceedings mainly failed because the management did not evince much interest in the conciliation proceedings as adumbrated on behalf of the workmen. Anyway the failure report was referred to the Govt. and the impugned reference came to be made in January 1985. The main and important question for consideration before the Tribunal in this Govt. reference is whether the orders of termination of the two workmen who had a long service

at their credit are justifiable and legal and if not what remedy and what relief are the workmen entitled to? In normal circumstances if the order of termination is not held to be just and proper the proper course open for the Tribunal would be to direct their reinstatement and giving such other reliefs as back wages, compensation etc. Before dealing with the aspect of the termination and whether it is just and legal, I shall first see what is the position of the workmen after January, 1985 after removal from service.

3. The Supervisor workman Nunes who was in service for 26 years and who initially joined as a compositor and who was subsequently promoted as a Supervisor states that after the termination he did not try to secure service or a job anywhere and at present he is without any service and during this period he was doing some work in the field and occasionally he went for fishing. Sometimes he goes for work in his own field. It appears that he is not stating the whole truth and he is speaking with some reservation about his re-employment after the termination of services by Party II. I am inclined to make these observations because the evidence of Vajay Kalangutkar, Administrative Officer of The Navind Times papers and publishers which publishes Navhind Times, is on record. Initially, in his statement recorded on 24-2-88 he stated that the Supervisor Ramulo Deoniz was working with them as a Compositor on a temporary basis. When asked to elaborate on this point he stated that the Press Supdt. had the details about the services of temporary employees. He was asked to bring the statement on the next date and on 6-4-88 he produced the concised statement showing the period for which Ramulo Nunes worked with them between 1985 to 1988. This goes to show that the workman Nunes had not remained idle after the termination of his services but he was gainfully employed as seen from the evidence on record. About the Compositor Pereira he is not so evasive in giving his admission about the present work and he admits that after his termination of the services by Party No. II he is working at Old Goa and now his total emoluments are Rs. 500/- p.m. while his total emoluments were Rs. 300/- p.m. while he was in service of Party II.

4. I have initially discussed the present condition of the workmen because while considering the matter and while using the discretion as laid down u/s IIA of the I.D.A., 1947, the Tribunal has to take into consideration the case of the workmen who have been discharged or dismissed from services and when the Tribunal is satisfied that the order of discharge or dismissal was not justified the Tribunal may by its award set aside the order of discharge or dismissal and direct the reinstatement of the workmen. It may also award compensation in lieu of the reinstatement if the circumstances of the case justify such compensation or it may give any other relief to the workman including award of any lesser punishment or grant compensation as the case may be. Hence the two alternatives before me are whether to direct reinstatement of the two workmen or whether the award of compensation would best serve the ends of justice in the given circumstances and I shall go on discussing the circumstances under which the services of the two very old workmen came to be terminated. The evidence on record shows that besides these two Supervisor and Compositor there were 3 more Compositors namely Gloria Dias, Lalita Naik and Paulina Fernandes. It has also been brought on record that a fresh Compositor by name Mr. John was also appointed after the services of these two workmen were dispensed with. The normal rule as applicable even u/s 25(g) of the Act or under Rule 77 of the Central Rules is last come first go. Hence the 3 Compositors who were admittedly juniors to these workmen could have been retrenched if there was really the necessity by circumstances to retrench the surplus staff. The management of the Press has come forward with an excuse that the Press which was catering to the needs of religious bodies and whose object was publishing a News Paper by name "Vauraddeancho Ixtt" a Konkani term meaning 'Workers Friend'. Ironically, this Press who publishes the news paper by name Workers Friend had terminated the services of two very old workmen and it is for the Tribunal now to see whether the termination is just and proper in the circumstances of the case. A brief resume of the facts and evidence goes to show that the switch over from hand composing to Electronic composing was not done over night but its process was going on right from 1980 when the management whose volume of work had increased desired to modernise its Press Unit. The process of modernisation and the formation of a Union by the workmen started almost simultaneously sometime in 1980-1981. It is the positive case of the Union that the Union after its formation demanded the benefits of Palekar award to the

workmen who were working in the Press. It so happened at that time that because the Press was publishing Vauraddeancho Ixtt some workmen in the category of journalist got the benefits of Palekar Award by way of increase in their total emoluments. Further the Compositors etc., who were in the category of non-journalist did not get such benefits and the Union held the cudgels for them, demanded the implementation of the award for the workmen of this category also and as the management did not budge, the workmen resorted to strike to get the grievance settled. The management as claimed by the union did not change its attitude inspite of the strike and resorted to repressive measures by superannuating the Vice-President of the Union by name Satairo Afonso who was a protect workman within the meaning of Sec. 33 of the Act. I do not want to say much on this aspect because I am told that the dispute of this Satairo Afonso is pending before the Tribunal in another Government reference. Anyway the strike was called off and the matter went into conciliation and while the matter was pending before the Labour Commissioner the employer declared a lock-out. According to the Union in the process the management started other repressive measures against the workmen such as superannuating, dismissal for misconduct or retrenchment on the ground that the workmen have become surplus. In the case of these two workmen they are declared as surplus and now I have to see whether proper rules and procedure is followed by the management so far as these two workmen are concerned and I feel that the evidence of Fr. Monteiro, the Manager of M/s Xaverian Press Training School, Pilar, would throw substantial light on the circumstances under which the order of retrenchment came to be passed.

5. In his deposition recorded on 13-11-85 Fr. Monteiro states that initially the Press was doing hand printing and binding and was printing and publishing Vauraddeancho Ixtt. The printing with old machinery was changed by bringing printing machines, letter press, monotype casting and Keyboard, offset printing machine, Photo composing machine and other machines allied to offset printing machine. However, on his own showing the Monotype was purchased about 20 years back meaning in 1975 and the Offset machine was purchased in 1981. The Lino type was purchased in 1979. He states that he decided to go for these machines with a view to modernisation and better printing. According to him, the work of the weekly 'Vauraddeancho Ixtt' along was done by hand composing. According to him the two workmen Nunes and Pereira were doing hand composing and after he took over as Manager he felt that the work of hand composing should not be continued because otherwise the workmen would be deprived of their employment. Hence he took time to switch over to monotype composing from hand composing. Hence when he took the decision to introduce the work of 'Vauraddeancho Ixtt' also done on monotype machine he gave notice of change dated 6-4-1983 which is at Exb. E-2. As there was a snag in the machine the change over was passed by notice Exb. E-3 dated 30-6-83. Thereafter he sent the impugned notice of termination dated 30-7-1983 under which the services of these two workmen were terminated and some dues were offered. The statement made by Fr. Monteiro in examination in chief itself shows that he had no justifiable grounds for termination of services of these two workmen and simply because the work of hand composing was being changed to monotype composing would not mean that the workmen who has put up work for 20 years should be terminated. The sum over of marginal compensation would also not be sufficient. Even then, I cursorily go through the cross examination and he admits that he did not issue any notice to the workmen u/s 25F of the Act. He admits that notice pay for one month was sent to the workmen. One of them accepted and the other did not accept. He then says that he is not aware of the matter pending before the Labour Commissioner and whether the Labour Commissioner sent a failure report of 27-4-84 and on what grounds the conciliation proceedings failed. He was then asked in question-answer form about the requisite notice in 'P' Form etc., and I am not much concerned with that. He is then suggested that the new machine was introduced arbitrarily and the services of the workmen were terminated as a measure of victimisation in view of their activities. This is the sum and substance of the evidence of Fr. Monteiro the only witness examined on behalf of the management.

6. While offering his submissions on behalf of the management Shri G. K. Sardesai did submit that two notices dated 6-4-83 and 30-6-83 were sent and they were sufficient to terminate the services w.e.f. 30-7-83, because the salary for one month was also paid. However, the management has

failed to give the reasons why the retrenchment was resorted to and even under rules and u/s 25F the management has to pass a speaking order giving reasons why the management was constrained to resort to such unilateral act of retrenchment. In this regard, the union places reliance on the case of Suraj Prakash Bhandari V/s Union of India, reported in AIR 1986, Supreme Court, page 958. About retrenchment compensation, they rely on the case of State Bank of India V/s Sundara Money reported in SCR, 1976 page 160. As against this Shri G. K. Sardesai states that the change of notice gives the reasons why the services were being retrenched. He was aware of the fact that the retrenchment was resorted to by the management but the management had no justifiable grounds at least to retrench the senior most workmen. Hence he alternatively suggested that if this is held to be a case of abolition hand composing and the two workmen being found to be unsuitable for the work of Monotype machines the award of compensation would best serve the purpose in this matter. I am inclined to accept this line of arguments for two reasons:

7. The first reason is that the Press has now a new set up of Electrical computerised machines introduced and the workmen doing the work of hand composing may not be suitable in the new environment. Hence it would be in the mutual interest of the workmen as well as the management not to consider the case of reinstatement but alternatively to award them the compensation which would be just and proper in the circumstances of the case. As observed by the Supreme Court in the case of Anglo American Direct Tea Trading Co., v. Workmen of Nahortoli Tea Estate, 1961, II, L.L.J. page 625 where the case falls in any of the exceptions to the general rule of reinstatement, industrial adjudicator has discretion to award reasonable and adequate compensation in lieu of reinstatement. Sec. 11-A vests tribunals with discretionary jurisdiction to give "such other relief to the workmen in lieu of discharge or dismissal as the circumstances of the case may require", and where for some valid reasons it considers that reinstatement with or without conditions will not be fair or proper, compensation in such a case is the solatium for unjustified and premature termination of employment. These observations of his lordship Wanchoo J do apply to the facts and circumstances of this case and I have come to an irresistible conclusion that in this instant case, reinstatement would not be a proper remedy but compensation would be best remedy as this is one of the three reliefs which the tribunal can grant by exercising its jurisdiction u/s 11-A of the Act. About the yardstick for compensation the observations of his lordship Bhagwati, J. of the Supreme Court in the case of S. S. Shetty V/s. Bharat Nidhi Ltd., reported in 1957, II L.L.J. page 696 would be best guidance.

"The industrial tribunal would have to take into account the terms and conditions of employment, the tenure of service the possibility of termination of the employment at the instance of either party, the possibility of retrenchment by the employer or resignation or retirement by the work-

man and even of the employer himself ceasing to exit or of the workman being awarded various benefits including reinstatement under the terms of future awards by industrial tribunal in the event of industrial disputes arising between the parties in the future. In computing the money value of the benefit of reinstatement the industrial tribunal would also have to take into account the present value of what his salary, benefits etc., would be till he attained the age of superannuation and the value of such benefits would have to be computed as from the date when such reinstatement was ordered under the terms of the award. Having regard to the considerations detailed above it is impossible to compute the money value of this benefit of reinstatement awarded to the appellant with mathematical exactitude and the best that any tribunal or court would do under the circumstances would be to as correct an estimate as is possible bearing, of course, in mind all the relevant factors pro and con".

8. Hence while awarding compensation, I have to see what principle should be followed. Under Sec. 25F of the Act, as per Sub-clause (A) in the event of the retrenchment a workman would be entitled to notice fee which is already paid and under Sub-Clause (B) the compensation would be equivalent to 15 days wages for average for every completed year. While applying this yardstick the retrenchment compensation would be too low and the ends of justice would meet if Rs. 500/- per annum to each of the two workmen for the period of service completed by them is awarded. In the case of Nunes, he has completed 26 years service and in the case of Pereira he has completed 20 years of service. I grant compensation according to the past service and at the same time I hold that the termination of their services is not just and proper. In the result, I pass the following order:

ORDER

It is hereby held that the action of the employer M/s. Xaverian Press Training School, Pilar, Goa, in terminating the services of their workmen S/Shri Ramulo Nunes, Supervisor and Dioginho Pereira, Compositor is not just and legal. However, instead of directing the reinstatement of the workmen it is hereby held that they are entitled to compensation and as such the Party II/Employer is directed to pay Ramulo Nunes a sum of Rs. 13,000/- (Rupees thirteen thousand only) and to Dioginho Pereira a sum of Rs. 10,000/- (Rupees ten thousand only) as compensation, as the total claim for dues.

The Government be informed about the decision on the above reference accordingly.

In the circumstances of the case, parties are directed to bear their own costs.

S. V. Nevagi
Presiding Officer
Industrial Tribunal